

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-241-JFH

CODY PAUL MILLER,

Defendant.

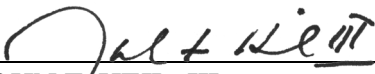
OPINION AND ORDER

Before the Court is an Unopposed Motion for Leave to Dismiss Count One Without Prejudice (“Motion”) filed by the United States of America (“Government”). Dkt. No. 67.

Under Federal Rule of Criminal Procedure 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of Count One of the Indictment against Defendant is not contrary to the public interest, nor is it for an improper purpose. Accordingly, the Government’s Motion [Dkt. No. 67] should be granted.

IT IS THEREFORE ORDERED that the Government’s Unopposed Motion for Leave to Dismiss Count One Without Prejudice [Dkt. No. 67] is GRANTED and Count One of the indictment [Dkt. No. 2] is dismissed without prejudice against Defendant Cody Paul Miller.

Dated this 28th day of December 2023.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE